REMARKS

By this amendment, claims 3, 5-9, 11-29, 32, 34-38, 40-59, 61, and 62 are pending, in which claims 10 and 39 are canceled without prejudice or disclaimer, and claims 3 and 32 are currently amended. Care was exercised to avoid the introduction of new matter.

The Office Action mailed January 5, 2005 rejected claims 3, 5-29, 32, 34-59, 61 and 62 under 35 U.S.C. § 102 as anticipated by *Yates et al.* (US 6,167,438).

To advance prosecution and reduce issues, independent claims 3 and 32 have been amended include features found in dependent claims 10 and 39 (which are now canceled). Amended claim 3 recites "a multiplexing element configured to selectively **multiplex the spoofed connections onto a single connection** of the second type." Independent claim 32 now recites "selectively **multiplexing the spoofed connections onto a single connection** of the second type."

For a supposed teaching of multiplexing, the Office Action, on page 4, cites to col. 9: 35-52 of *Yates et al.* Applicants respectfully contend that no such disclosure, even in the most general sense, exists within the cited passage or anywhere else in the reference. The cited passage states the following (*Emphasis Added*):

> The main hurdle in actually implementing the cache servers 16 as explained above in such an environment is the requirement that they need to identify the document requested by a client 12. However, as seen in FIG. 3 the URL information is typically advertised by an HTTP client 12 only after a TCP/IP connection has already been established with the home server 20. **One possible solution would thus be to have all such connections be established with the home server 20 and have snoopers 28 at intermediate routers 14 intercept all {GET} packets.** Even though this approach might relieve a significant amount of load from a home server, it still required that TCP connections associated with such documents reach the home server 20, which defeats the purpose of attempting to off-load the home server 20. During high demand periods, such requests would amount to a flood of {SYN} requests on the home server 20. In addition, if the initial {SYN} is not intercepted, both establishing and tear down of connections becomes significantly more complicated.

The above passage merely describes that multiple TCP/IP connections can be established with the home server 20. However, this passage does not go as far as the Examiner appears to be suggesting. The home server 20 does not in fact multiplex these connections. *Yates et al.* provides no such capability in any other component. Moreover, there is no mention of the term "multiplex" in any context, much less in the manner claimed.

Applicants note that 35 U.S.C. § 132 requires the Director to "notify the applicant thereof, stating the reasons for such rejection." This section is violated if the rejection "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure. For example, MPEP § 706 states that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity." Furthermore, MPEP § 706.02(j) indicates that: "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond." Unfortunately, the Examiner's only discussion of this limitation is a vague reference to a seemingly irrelevant passage (col. 9: 35-52).

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Yates et al.* does not anticipate independent claims 3 and 32. Applicants, thus, respectfully urge the indication that claims 3 and 32 are allowable.

Claims 5-9, 11-29, 34-38 and 40-59, depending corresponding from independent claims 3 and 32, are also allowable at least for the allowability of claims 3 and 32. In addition, these dependent claims are allowable on their own merits.

Turning now to the rejection of claim 61, this claim recites "compressing data streams associated with the priority connections **based on a transmission constraint of the backbone connection.**" In rejecting claim 61, the Office Action, on pages 7 and 8, conveniently ignores this limitation. Applicants suggest that the Examiner again violates the tenets of 35 U.S.C. § 132. It is not surprising that this limitation is not addressed, as *Yates et al.* is silent on such a feature.

Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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